IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO : 29157 of 1997

Dated 7th February, 2007

Between

Lanka Yellamma and ors

...petitioners

and

The Government of AP, rep. By its Principal Secretary,
R& B, Secretariat, Hyderabad, and ors

...Respondents

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 29157 of 1997

ORDER:

In this Writ petition, the petitioners seek Writ of Mandamus to declare the action of the respondents in taking steps for demolition of their houses as illegal and arbitrary.

In the affidavit filed in support of the Writ petition, it is stated that the petitioners are the owners and possessors of house property bearing Door Nos. 4-3-1, 4-3-3, and 4-3-2 situated in Vikarabad. It is stated that the said houses are abutting 50 feet main road and they have constructed the said houses by taking due permission from

the competent authority and they are paying taxes regularly. It is the grievance of the petitioners that the respondents, without initiating proceedings under the Land Acquisition Act, 1894, marked their houses for demolition for the purpose of road-widening to make the existing 50 feet road to 100 feet road.

At the stage of admission, this Court, by order dated 5-11-1997 directed the respondents not to demolish the said houses of the petitioners. Though the Writ Petition is of the year 1997, no counter affidavit is filed on behalf of the respondents so far, and, there is also no representation on behalf of the respondents.

It is stated that the petitioners are the owners and possessors of the houses in question and they have constructed the same by taking due permission from the competent authority. If the said houses of the petitioners are required to be acquired for the public purpose, the same have to be acquired by initiating proceedings under the Land Acquisition Act, 1894. As much as the interim order granted by this Court on 5-11-1997 continued all along, and, in absence of counter affidavit on behalf of the respondents controverting the allegations of the petitioners, I dispose of the Writ petition directing the respondents not to demolish the said houses of the petitioners otherwise than by due process of law.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 07-02-2007.
Msnr.

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